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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,327	06/16/1999	ALAN PERKINS		5211

7590 01/25/2006  
DAVID FINK  
7519 APACHE PLUME  
HOUSTON, TX 77071

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/334,327

Applicant(s)

PERKINS, ALAN

Examiner

Thuy Pardo

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005 and 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 42-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's Amendment filed on October 24, 2005 in response to Examiner's Final Office Action has been reviewed. Claims 1-39 have been canceled and claim 40 has been amended.
2. Claims 40-57 are presented for examination.
3. The indicated allowability of claims 40-57 is withdrawn in view of the newly discovered reference to Pollack et al. US Patent No. 6,578,025. Rejections based on the newly cited reference follow.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presnell et al. (Hereinafter "Presnell" US Patent No. 6,182,067 in view of Pollack et al. (Hereinafter "Pollack") US Patent No. 6,578,025.

As to claim 40, Presnell teaches a method for refining the calculation of the relevance of a resource to a query, comprising the steps of:

executing a particular query from a user [search string, 249 of fig. 8A; ab; col. 3, lines 45-46];

providing said user with a result, including at least said resource, from said query [230-233 of fig. 8A; relevance is used to sort the documents and a list is presented to the user, ab];

transmitting said set of resource results to said user [relevance is used to sort the documents and a list is presented to the user, ab];

obtaining from said user a set of relevancy ratings of said set of resource results to said user query [user valuation, fig. 15; col. 16, lines 46-53];

incorporating said set of relevancy ratings in subsequent relevancy calculations of a resource to a query to increase the relevancy accuracy to a query [user can then nominate a new rating for the documents, col. 16, lines 46-53].

However, Presnell does not explicitly teach a plurality of users incorporating the ratings of relevancy of said resource with a form generated by a script. Pollack teaches a plurality of users incorporating the ratings of relevancy of said resource with a form generated by a script [receiving user feedback from one of the plurality of users, col. 3, lines 44-61; fig. 2; col. 10, lines 17-59].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Pollack to the system of Presnell as an essential means to increase the accuracy of the search system in response to user's changing references and activity levels of users.

As to claim 41, Presnell and Pollack teach the invention substantially as claimed. Pollack further teaches creating multiple profiles for each of said users and incorporating said multiple profiles into said calculation of relevancy of said resource [ab; col. 11, lines 19-45].

***Allowable Subject Matter***

Claims 42-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 42, the feature of calculating the relevancy of said resource comprises the steps of providing an internet search engine to each of said users, with said search engine performing said calculation of relevancy, said calculating based on traditional methods; formulating through the use of said search engine calculated relevancy, a query result list of proposed resources to visit in response to the particular query; step of rating the relevancy of a resource further comprises supplying said query result list to the said users; prompting each of said users to visit resources on said query result list and rate the respective resources visited in response to the particular query; the step of collecting said ratings further comprises gathering a set of evaluations from each of said users who have rated said visited resources; and the step of incorporating said collected ratings further comprises modifying said calculation of said search engine relevancy for said visited resources particular query based on said set of evaluations, taken together with other limitations of claim 40 was not disclosed by the prior art of record.

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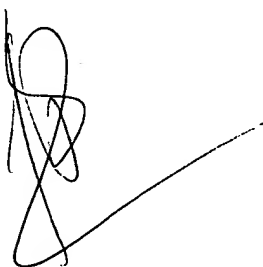
Claims 43-57 being further limiting to claim 42 are also objected to.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 20, 2006

A handwritten signature in black ink, appearing to be 'THUY N. PARDO', with a long horizontal line extending to the right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**